

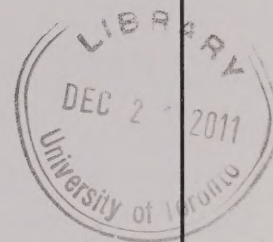
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SENATE



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OFFICIAL REPORT  
(HANSARD)

Wednesday, November 16, 2011

The Honourable NOËL A. KINSELLA  
Speaker

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(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Wednesday, November 16, 2011

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

[Translation]

### SENATORS' STATEMENTS

#### MRS. CLAIRE MARTIN, C.C.

**Hon. Andrée Champagne:** Honourable senators, last Thursday I experienced one of the most memorable moments of my life. I had the honour of spending the evening with a wonderful woman, Claire Martin.

Mrs. Martin is a prolific author who, throughout her 97 years, has defended the French language and led the way for women who dared to dare. The night before Remembrance Day, we were joined by the woman who announced the end of the Second World War on the CBC airwaves. She was the first woman to read the news on our national radio station.

Mrs. Martin has won a number of awards and distinctions, and I should point out that by 1958 she had already won the Prix du Cercle du livre de France. She was later named an Officer and then a Companion of the Order of Canada and an Officier de l'Ordre des Arts et des Lettres, and she received an honorary doctorate from Université Laval. But to the shame of the association I have headed for several years, she was forgotten by the Ordre de la Pléiade, which recognizes achievement in La Francophonie and cultural dialogue.

Last year, we were hoping to have her here, in Ottawa, for a ceremony in which other deserving people were honoured. But we understood that that was a bit too much to ask. So we used our break week to visit her in Quebec City.

We thought it would be wise to go now, before winter set in. It was a small, intimate evening, but it was filled with warmth and many wonderful moments.

I would like to take this opportunity to thank our colleague, Senator Michel Rivard, for joining us and Mrs. Martin's guests. I would also like to congratulate and offer my gratitude to Marie-Michèle Roberge, a magnificent soprano who sang works by Ernest Chausson, Claude Debussy, Gabriel Fauré and Francis Poulenc. As you can see, even the music came from the world of La Francophonie. I would also like to extend special thanks to André Sébastien Savoie, who accompanied her on piano.

I will always remember and treasure those few hours I spent in the company of a truly extraordinary woman, someone who oozes culture from head to toe, a woman who was still publishing in 2008. This is the same woman who, at 95, said, "I will put away my pen when I am old." Let us hope that we will still have the pleasure of reading her works in the future.

Honourable senators, please join me in expressing our thanks to Claire Martin for everything she has done, on the occasion of her finally being made a Chevalier de l'Ordre de la Pléiade, Ordre de la Francophonie et du Dialogues des cultures.

[English]

### NORTHWEST TERRITORIES

#### PUBLIC SAFETY

**Hon. Nick G. Sibbeston:** Honourable senators, the omnibus crime bill will soon be before us. This bill brings together a number of previous bills, most of which have not been well debated. The thing they have in common is that they will put more people in jail for longer periods of time.

I understand this legislation is a reaction — some say an overreaction — to a perceived increase in crime, especially by young people. I will let others debate whether this increase is real or imagined.

However, it has long been my impression that federal legislation is designed to deal with problems in our large cities. It takes little account of the realities of life in places like the Northwest Territories.

In the North, our problems are not criminal but social. Many communities have unemployment rates well over 60 per cent. Houses are overcrowded. Young people have little to do. Most crime is driven by despair and fuelled by alcohol.

It is well known that Aboriginal people are badly overrepresented in our prisons. In the Northwest Territories, in 2008 and 2009, they represented 88 per cent of the jail population. Mandatory minimums and the restrictions on the use of conditional sentences will only make this worse.

For example, theft over \$5,000 will no longer be subject to conditional sentences. A teenager who "borrows" his uncle's Ski-Doo without permission will wind up in jail.

Changes to the principles of the Youth Criminal Justice Act to shift away from rehabilitation and toward denunciation and punishment will send young people out of their communities and away from their families to correctional centres, where they will be fully immersed in a criminal culture. I cannot imagine how that is going to make our communities safer.

These changes will increase the number of people who go to northern jails and will keep them there longer. Institutions that are now focused on substance abuse treatment, rehabilitation and education in a safe environment will increasingly resemble southern prisons where criminals are warehoused in overcrowded conditions and where violence and danger are a way of life for both inmates and staff.



Increased use of prison time will be tremendously expensive. Territorial governments will need to redirect scarce resources, used to improve the lot of all northerners, to building and expanding correctional institutions. Because many federal prisoners are kept in northern institutions so that they can have some contact with their families and culture, the strain will be even greater.

More severe prison sentences will certainly lead to fewer guilty pleas or plea bargains. There will be more trials and appeals, straining the courts and the overburdened legal aid system. The federal government has made it fairly clear that they have no intention of paying their fair share of these increased costs.

As I have often said, I do not claim to understand the problems of Southern Canada or the responses of the government to them. I do understand the North. I will do everything I can to get the federal government to accommodate our special interests.

Just as I always opposed the gun registry because it was bad for the North, so too will I oppose this imposition of southern approaches to law and order on the North.

[Translation]

## KNOWLEDGE INFRASTRUCTURE PROGRAM

**Hon. Donald H. Oliver:** Honourable senators, I rise here today to draw your attention to one of the many successes of Prime Minister Harper's Economic Action Plan: the Knowledge Infrastructure Program.

• (1340)

[English]

On November 7, I represented the Government of Canada at a ribbon-cutting ceremony for the newly retrofitted Life Sciences Centre at Dalhousie University. I joined Dalhousie President Dr. Tom Traves, MLA Leonard Preyra, professors and students for this momentous occasion after more than 16 months of renovations and updates. MPs Earl Dreeshen, Phil McColeman, Ray Boughen, Rod Bruinooog, Jay Aspin and Kellie Leitch, of the federal Conservative Post-Secondary Education Caucus, were also in attendance.

The university received more than \$14 million from the Government of Canada's Knowledge Infrastructure Program to retrofit the Life Sciences Centre, the heart of Dalhousie's scientific research and teaching. The new building upgrades provide enhanced capacity to the electrical, heating, ventilation and air conditioning systems to accommodate the demands of modern equipment and research. This means that students and faculty will breathe cleaner air. The carbon dioxide emissions will also be reduced by 6,000 tonnes per year thanks to energy efficiency improvements such as new solar panels to heat water, new energy-efficient windows, compact fluorescent lighting and light controls in each room.

The 450,000-square-foot LSC houses more than 1,000 rooms and many specialized labs. It is home to the biology, the psychology, the earth sciences and the oceanography departments. The upgrades

will greatly benefit the more than 200 researchers, 450 graduate students and 3,000 undergraduate students that regularly work and study in the LSC.

This project has also resulted in jobs for engineers, architects, construction workers and many others. In fact, the project contributed more than 330 person years of employment and wages and salaries of nearly \$15 million.

Honourable senators, I am proud to say that investments under the Knowledge Infrastructure Program have created and maintained countless jobs. The program has made a difference in the lives of many Canadians and their families at a time when it mattered most. Modernizing and improving research and training facilities at Canada's universities and college campuses will also help us build the foundation for future growth.

Honourable senators, in conclusion, when the world was hit with the global recession of 2008, Prime Minister Harper rose to the occasion and led our country through turbulent times. Canada's Economic Action Plan was the perfect answer to create jobs, promote economic growth and support infrastructure enhancements at post-secondary institutions.

More than \$2 billion in investments has been invested in Canada's colleges, universities, and CEGEPs through the Knowledge Infrastructure Program. This highly successful program is helping to renew, modernize and improve facilities on campuses around the country.

## INTERNATIONAL DAY FOR TOLERANCE

**Hon Elizabeth Hubley:** Honourable senators, in 1996, the UN General Assembly passed Resolution 51/95 inviting all member states to observe the International Day for Tolerance on November 16 each year.

Today is an opportunity for the global community to reflect on their commitment and responsibility to fostering tolerance, respect and cooperation among different cultures and peoples.

Tolerance is defined as a fair, objective and permissive attitude toward opinions and practices that differ from one's own. It is too easy for governments, organizations and individuals to become comfortable and complacent with our beliefs and our policies and to slip into the defensive, closing ourselves off from the ideas of others. Yet, in a country such as ours, rich in diversity, tolerance is essential.

The International Day for Tolerance is a reminder to us to look both within ourselves and within our society to make sure we are actively embracing tolerance by reaching out to others to dialogue about differences. We must foster knowledge, openness, communication and a freedom to express our different beliefs. In this way, tolerance is the foundation upon which we build mutual respect, understanding and peace among communities, both locally and globally.



## NUNAVUT

### ECONOMIC GROWTH

**Hon. Dennis Glen Patterson:** Honourable senators, last week Statistics Canada reported that real domestic product increased in every province and territory in 2010 — an impressive record and, I believe, a testimonial to the outstanding economic stewardship of our government in 2010 and previous years.

What is particularly impressive about the Statistics Canada report is that the largest proportional increase of any province or territory in Canada occurred in Nunavut, where real GDP advanced 11 per cent in 2010. Only Newfoundland and Labrador came close to Nunavut, with 6.1 per cent growth.

This increase in Nunavut's GDP, according to Statistics Canada, is mainly due Agnico-Eagle's Meadowbank gold mine, which poured its first brick in the first quarter of 2010. Meadowbank is a success story for Agnico-Eagle's shareholders, for the Governments of Canada and of Nunavut, but in particular for the people of Baker Lake and the Kivalliq region of Nunavut.

When he visited the mine last August, Prime Minister Harper commented:

We make investments in health, we make investments in housing, but social development issues, as we all know from experiences in our own country and worldwide, are so much easier if we have economic development. That's why this is important.

The Agnico-Eagle gold mine, with production annually estimated to be 400,000 ounces per year and a life extending to 2019, promises to continue making a significant contribution to Nunavut's GDP for many years to come. The Meadowbank mine, which currently employs 770 full-time employees, of which 290 are Inuit, is but one example of how mining exploration and development are changing the economy and future of Nunavut. The N.W.T. and Nunavut Chamber of Mines has estimated that between 2011 and 2037, existing and proposed mines could generate 82,000 person years of employment and spend \$32 billion. Let me elaborate.

On Baffin Island, ArcelorMittal wants to build an iron ore mine at Mary River. The price tag is \$6 billion; production life, minimum of 21 years; operations workforce between 750 and 1,000 people; tax revenues to the Nunavut government, \$100 million; and royalty share to Nunavut Tunngavik of \$1.9 billion. Another promising iron ore project is being developed by Advanced Explorations at Roche Bay. While still in the exploration stage, it is estimated they will spend \$1.1 billion to build the mine, creating 500 to 600 jobs. Also on Baffin Island, Peregrine Diamonds and BHP plan to continue kimberlite bulk sampling and plan to spend \$18 million next year.

To the west, in the Kivalliq region, Agnico-Eagle wants to develop another gold mine at Meliadine, near Rankin Inlet. Exploration expenditures next year amount to \$129 million.

In the Kitikmeot region, Newmont is close to production at its Hope Bay gold mine, where 2011 expenditures on the project were \$300 million. Another promising project is MMG's base and precious metals deposit at Izok Lake. The capital cost of the mine is estimated at \$1.25 billion, creating another 760 jobs.

Honourable senators, this is only a sampling of Nunavut's incredible mining potential, which has been attracting industry and investors from around the world, including China, Australia, France, Japan, U.S. and England. It is also attracting top-quality mining people who have experience developing mines in the North, working with Aboriginal people to ensure they benefit from employment, training, business and equity opportunities.

I will continue reporting good news from Nunavut based upon mining and how it will continue to fundamentally change Nunavut.

### MR. FRED GEORGE

#### CONGRATULATIONS ON HONORARY DOCTORATE

**Hon. Wilfred P. Moore:** Honourable senators, on Sunday, October 23, 2011, Saint Mary's University of Halifax, Nova Scotia, held its fall convocation. Among the degree recipients at that ceremony was Mr. Fred George, of Bedford, Nova Scotia, upon who was conferred a Doctor of Commerce *Honoris Causa*.

Mr. George's career path is quite remarkable and most inspiring. He left his civil war-torn country of Lebanon and arrived in Nova Scotia at 19 years of age. He began operating a video business and then was a supplier of bottled water to Walmart, Superstore and Sobeys.

In 1997, he co-founded Gammon Gold Incorporated. As its president and chairman, he transformed that small exploration company into one of the largest gold and silver producers in Mexico. He presided over the listing of the company on the stock exchanges of Toronto, New York, American and Berlin. Under his leadership, the market capitalization of Gammon Gold, recently renamed AuRico Gold, grew from \$2 million to \$2.4 billion in just five years. There are a number of millionaires walking around Nova Scotia today thanks to the vision and tenacity of Mr. George.

• (1350)

Mr. George, on behalf of Gammon Gold, has been the recipient of a number of awards, including the Best Producing and Active Exploration Company in Mexico, as well as the best performing gold and silver company in the world for 2003 and the first six months of 2004, as rated by Mineweb. In 2006, Mr. George was the recipient of the first-ever Community Development Model Award, bestowed by the Governor of Chihuahua, Mr. Jose Reyes, in recognition of Gammon Gold's support of the community and the creation of over 1,000 direct jobs and 6,000 indirect jobs. He was granted honorary Mexican citizenship for his contribution to that country's mining industry and economy. He is considered an expert in Canadian-Mexican relations.

He is known for his infectious energy and his ability to motivate others. He is a frequent speaker at the Sobey School of Business at Saint Mary's University. He extols that there are three kinds of people: those who make it happen; those who watch it happen; and those who ask: What happened? He is clearly of the first kind, proclaiming that he is delighted to be the single largest taxpayer in Nova Scotia.



Mr. George is also committed to making a difference in the lives of others. He founded the Fred George Foundation, which supports many community organizations and causes, including education, autism, mental health and learning disabilities; and he serves as an adviser to the President William Clinton Foundation.

He is a staunch supporter of the Royal Canadian Navy and our military families. In recognition of that work, on November 4, 2011, Mr. George was appointed an honorary captain in our navy.

Thus, it is with pride and gratitude that we congratulate Doctor Fred George, an outstanding entrepreneur and philanthropist; and I welcome him as a fellow alumnus of Saint Mary's University.

## ROUTINE PROCEEDINGS

### RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

#### FIRST REPORT OF COMMITTEE PRESENTED

**Hon. David P. Smith:** Honourable senators, I have the honour to present the first report of the Standing Committee on Rules, Procedures and the Rights of Parliament, which proposes a revised version of the *Rules of the Senate*.

(For text of report, see today's Journals of the Senate, p. 412.)

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

**Senator D. Smith:** Honourable senators, I note that some useful background documents comparing the current and revised rules and explaining the more significant changes will be circulated to senators' offices in electronic form during the coming days.

I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(On motion of Senator D. Smith, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

[Translation]

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of a group of people from the Quebec City area who are guests of our colleague, the

Honourable Senator Verner. They are Jean-Louis Arsenault, Françoise Arsenault, Nicole Patoine, Raynald Patoine, Claude Brassard, Manon Hébert, Lorraine Déry, Gilles Déry and Jean-Nicolas Marchand.

On behalf of all honourable senators, welcome to the Senate of Canada.

## OFFICIAL LANGUAGES

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY CBC/RADIO-CANADA'S OBLIGATIONS UNDER THE OFFICIAL LANGUAGES ACT AND THE BROADCASTING ACT

**Hon. Maria Chaput:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Official Languages be authorized to examine and report on CBC/Radio-Canada's obligations under the *Official Languages Act* and some aspects of the *Broadcasting Act*; and

That the committee report from time to time to the Senate but no later than October 31, 2012, and that the committee retain all powers necessary to publicize its findings until December 31, 2012.

[English]

## CANADIAN WHEAT BOARD

### PRESENTATION OF PETITION

**Hon. Tommy Banks:** As all honourable senators are cogently aware, section 47.1 of the Canadian Wheat Board Act guarantees farmers the right to vote on changes to the Canadian Wheat Board's marketing structure. Polls have shown that three out of four farmers want to decide the future of their grain marketing organization. Despite this, the government has stated that it plans to remove the single desk on wheat and barley in a bill that shortly, one assumes, will be coming to us.

Honourable senators, I have the honour to present a petition from the residents of Alberta, Manitoba and Saskatchewan, most of whom are grain farmers, concerning section 47.1 of the Canadian Wheat Board Act, which guarantees to farmers the right to vote on changes to the CWB's marketing structure. These citizens are petitioning the government to allow farmers the right to decide the future of their grain marketing organization through a plebiscite.

**Some Hon. Senators:** Hear, hear!



## QUESTION PERIOD

### AGRICULTURE AND AGRI-FOOD

#### CANADIAN WHEAT BOARD

**Hon. Robert W. Peterson:** Honourable senators, my question to the Leader of the Government in the Senate is regarding Bill C-18 on the Canadian Wheat Board Act, or as the government prefers to call it, the Marketing Freedom for Grain Farmers Bill. Why are we rushing this bill through Parliament so quickly? Why, at committee stage, are we not traveling to Western Canada to allow farmers to voice their opinions and concerns? Why is it necessary for farmers to travel from Western Canada to Ottawa, as the farmers in the Senate gallery today have had to do in order to be heard and, I might add, at their own cost? They are from Manitoba, Saskatchewan and Alberta.

The government says it is all about giving farmers a choice to sell their grain. They will have a choice all right. The choice they will be offered from the grain companies will be: Take it or leave it.

**Hon. Marjory LeBreton (Leader of the Government):** I thank Senator Peterson for the question. To the farmers from Western Canada in the gallery: Welcome to the Senate of Canada. Having been raised on a farm, I know how hard all farmers work and how important they are to our country and our society.

**Some Hon. Senators:** Oh, oh.

**Senator Mercer:** Remember your roots!

**The Hon. the Speaker:** Order, order. The Honourable Leader of the Government.

• (1400)

**Senator LeBreton:** Thank you, Your Honour.

Honourable senators, as a member of the government I am very proud of Bill C-18. This legislation delivers on our government's long-standing commitment to give Western Canadian farmers the marketing freedom they deserve.

**Some Hon. Senators:** Hear, hear!

**Senator LeBreton:** Once passed, this bill will allow Prairie farmers to seek their own contracts for their grains through an open market, beginning in the 2011-12 crop year. The Wheat Board will remain as a voluntary pooling option for those farmers who wish to pool their grains. We encourage all of our friends in the opposition to ensure the swift passage of this legislation to give Western farmers the freedom and market stability that they have earned and deserve.

**Senator Peterson:** Honourable senators, the plebiscite carried out by the Canadian Wheat Board received a higher mandate of acceptance than did the government in the election, and the question was very clear: "Do you want a single desk for the sale of your wheat, durum and barley; yes or no?" They voted 60 per cent "yes."

As senators, we have the responsibility to give all legislation our full consideration. It should not be steamrollered through the system. Let us do the right thing and give this bill the serious consideration it deserves.

**Senator LeBreton:** Honourable senators, I addressed the issue in previous answers to questions from you about the plebiscite, the skewed results of it and the questions that were sent out.

The fact is that this party ran election campaigns in 2004, 2006, 2008 and 2011 very clearly stating that it was our intention to give Western grain producers marketing freedom. We received overwhelming support from our rural supporters in Western Canada, as well as in the urban riding of the Honourable Ralph Goodale in Saskatchewan. It is interesting to note that in that riding there are 13 rural polls, every one of which our candidate won.

[Translation]

**Hon. Maria Chaput:** Honourable senators, my question is for the Leader of the Government and concerns the dismantling of the Canadian Wheat Board.

Last week, in Calgary, the Minister of Finance, Jim Flaherty, announced in his economic update . . .

[English]

Let me be clear: we will not be bound by ideology when it comes to making decisions to keep our economy strong and protect Canadians, their financial security and their jobs.

He also said:

We have responded to critical situations with flexibility and pragmatism, and we will continue to do so as situations dictate.

[Translation]

With regard to the Canadian Wheat Board, the government is stubbornly ignoring the concerns and the democratic weight of a majority of farmers. Abolishing the board will cost farmers money, eliminate jobs and lead to the disappearance of family farms, thus changing Canada forever.

In view of this critical situation, is the government willing to show the flexibility and pragmatism Mr. Flaherty spoke about last week in Calgary?

[English]

**Senator LeBreton:** Honourable senators, the premise of the senator's question is incorrect. We are not abolishing the Wheat Board. We are simply providing marketing choice for Western Canadian wheat farmers, the same marketing choice that wheat farmers have in other parts of the country, including in my province of Ontario.

Minister Flaherty was addressing the global economic situation. With regard to the Canadian Wheat Board, we made the government's intentions very clear. If we did not live up to this promise that we made to Western farmers, which they overwhelmingly supported, honourable senators opposite would be asking me why we broke our promise.



The government has the right to change the legislation, just as farmers must have the right to market their own grain. A member of the Wheat Board who recently resigned said that the Wheat Board's legal challenge is quite simply wrong. Another director who resigned said that what they are doing is a waste of farmers' money.

[Translation]

**Senator Chaput:** Unfortunately your response, madam leader, seems to indicate that the government does not intend to abandon its position on this matter.

I would like to remind you, once again, that this decision will disproportionately harm Canada's smallest farmers and result in a significant increase in the price of food for Canadian families.

In this fragile economy, can the government truly afford to take this ideological approach, which will jeopardize the survival of this country's small farmers and unfairly increase the expenses of Canadian families?

[English]

**Senator LeBreton:** Honourable senators, it is not an ideological approach. The honourable senator makes claims for which there is absolutely no basis. Australia has followed a model like this to their great benefit. We heard all of these arguments from the grape and wine industry in the Niagara Peninsula during the great free trade debates in the 1980s. That sector predicted dire consequences of the Free Trade Agreement. They said that they would lose family farms and industries would die out. However, the grape growers and wine producers of the Niagara Peninsula have been among the biggest beneficiaries of that policy.

The government's commitment was very clear and it was clearly understood by the people. We will absolutely not go back on our promise to Western farmers.

**Hon. Tommy Banks:** Honourable senators, the minister mentioned Ontario farmers. Many senators on this side have been cautioning Ontario farmers who are operating in a system called supply management that this effort to disembowel the Wheat Board is the beginning of the end for supply management. After saying that for months, if not years, according to the headlines of yesterday it is coming true.

The minister used the word "skewed" when she referred to the results of the plebiscite held by the Canadian Wheat Board. At one point Minister Strahl tried to skew the Wheat Board by disenfranchising numbers of Western grain farmers from voting, and it had exactly the opposite effect of what was clearly intended.

The Canadian Wheat Board operates under the legislation that exists today, and will until and unless we pass the ill-advised bill that we expect will be coming to us. The Wheat Board is run by farmers. The majority of its directors are elected by farmers and over 80 per cent of them have consistently been in favour of the single-desk marketing option.

We have not yet received the new legislation and therefore we cannot be sure what it will say when it comes out of the other place, but under its present provisions, as I understand them, the

government will appoint all the directors of the Canadian Wheat Board, as well as its chairman.

The Canadian Wheat Board has about \$200 million in a contingency fund and owns a considerable amount of real estate in Winnipeg.

• (1410)

The government is taking over farmers' assets. What is democratic about that, when farmers have clearly voted that they did not want that to happen?

**Senator LeBreton:** It was a survey. As I said before, no expensive survey should ever trump farmers' rights to market their own product.

The farmers of Western Canada fully and clearly understood the position of the government not once, not twice, not three times, but four times, in four elections. We were in opposition in the first two, but we laid it out clearly in 2004, in 2006 and again in 2008. Of course, in the election which was forced upon us this past May, thank you very much, again we made it very clear. Farmers voted, knowing very clearly what our plans were for the Canadian Wheat Board.

We are not abolishing the Canadian Wheat Board. We are giving farmers marketing choice. If they wish to continue to go through the Canadian Wheat Board, that is their choice. If other farmers do not wish to do so, that is their choice. The government has every right to bring in the legislation.

The honourable senator mentioned that the bill is not before us as yet, but we have a motion before the Senate which will provide an opportunity for the senators to pre-study the bill. Honourable senators will have ample opportunity, if they agree to the motion and we get the bill for pre-study, to ask all of those questions and to question witnesses. That is one of the reasons that we have offered to have the bill pre-studied. I would urge honourable senators to take us up on the offer.

**Senator Banks:** I have always been opposed to pre-study on bills, excepting bills on budgets. Will the leader consider taking into consideration an amendment to the bill when it finally arrives here? We do not know what form the bill will be in when it arrives here; it may be amended in the other place. We may be arguing about angels on the heads of pins.

The government is fond of naming bills. We should call this bill the "marketing freedom for railways and grain merchants."

**Senator LeBreton:** One more month, colleagues, one more month of these ridiculous questions.

We absolutely will not rename the bill.

**Hon. Grant Mitchell:** Honourable senators, one of the few Conservative Party agendas that is not hidden is its ideological obsession to kill the Canadian Wheat Board. The minister can continue to say that it will not die. This Canadian Wheat Board is going to die; it will cease to be, period.



Nowhere is that more evident than in this piece of legislation, where the government has reversed the right to appoint the board of directors and senior-most officials in what will be left of the Canadian Wheat Board after this legislation.

Why is it that this government is going to do that? Is it because they cannot just leave the Canadian Wheat Board mortally wounded, they have to squeeze every last drop of life out of it?

**Senator LeBreton:** At least he is not asking me about the environment today, honourable senators.

The fact of the matter is — and I will keep repeating it because it is simply the fact — we were very direct and forthright with the Canadian electorate. They understood what our platform was, and is.

Most particularly it was understood in Western Canada, where, overwhelmingly, farmers from all over Western Canada supported the election of the Conservative government. We promised them marketing choice and we are going to deliver. It is their right.

**Senator Mitchell:** The government keeps alluding to this vaunted vote. What we know for sure is in the plebiscite, where the specific question was asked, an overwhelming number of actual farmers voted to sustain the single desk. Fewer than 20,000 farmers exist in Western Canada.

What proof does this minister have, what proof does this government have, that those 20,000 farmers actually voted in that election for this particular government and policy position, if it is not the plebiscite?

**Senator LeBreton:** As I said before, no expensive plebiscite run by an agency can trump the individual rights of farmers to market their own grain.

Every farmer must have the ability to choose how to market their product. I was raised on a farm and we marketed our products. Ontario farmers can freely market their own wheat, as can Quebec farmers. Canadian farmers, of course as we know — and I have been saying this since I was a young kid — feed the world. I think all farmers work hard to produce their products and deserve the right to market them.

**Senator Mitchell:** Canadian farmers feed the world, Canadian farmers have the right to market their own product, but this government will not even give Canadian farmers the right to pick the members for the new board of directors of the new Canadian Wheat Board, whatever is left of it.

Why is the government doing that if it is not that they do not want to return that \$200 million to the farmers in any way, shape or form, but use it to finance the dismantling of the Canadian Wheat Board once and for all?

**Senator LeBreton:** My goodness, another one of Senator Mitchell's conspiracy theories which does not deserve an answer.

[ Senator Mitchell ]

## SUPPLY MANAGEMENT SYSTEM

**Hon. Céline Hervieux-Payette:** Honourable senators, Canadian farmers are hard-working people who often fail to receive the necessary congratulations for their hard work and dedication to providing safe and delicious food to families here in Canada and around the world.

Despite this, the Conservative government seems intent on demonizing farming as a way of life and any chance for farmers to make a fair living. The Prime Minister recently said in Honolulu that Canada would be joining APEC, an organization fiercely opposed to our system of supply management. It would come as no surprise that this system is next in line to be axed by the Minister of Agriculture and Agri-Food, Mr. Gerry Ritz.

Considering that farmers have invested billions of dollars in quotas as a way of securing production and ensuring their retirement, will the government compensate Canadian farmers for the loss of value of their quotas and ensure their investments guarantee them a safe and comfortable retirement?

**Hon. Marjory LeBreton (Leader of the Government):** Questions like that just illustrate the serious difficulty the honourable senator's political party finds itself in. It is so 1970s and 1980s. Things have changed so much since then, and so has farming. I know that. I was raised on a dairy farm that was quite different from today. That is one of the things that has changed. We had Jerseys and I was not as silly as some urban people who thought they produced chocolate milk because they were brown.

The fact of the matter is, this is fear mongering, just like her party did during the free trade debate about our agricultural industries, particularly in the case of the grape and wine industry. There is no evidence to suggest that the agricultural community will not continue to thrive and grow. It will even have more opportunity now that farmers can make their own choices as to who they will sell their products to.

**Senator Hervieux-Payette:** I am living in the 21st century, but I am not sure all of you are.

[Translation]

As you know, the sugar industry seems to operate like a cartel — and I am not saying that it is a cartel. It imposes high prices for sugar on consumers the world over and ensures that the majority of food products contain that ingredient, which, when consumed in large quantities, is harmful to our health. Since the government is determined to dismantle the Canadian Wheat Board, we can naturally assume that this situation would be conducive to the emergence of a type of wheat cartel in Canada. This situation would be even more detrimental to Canadian consumers because, unlike the sugar industry, a wheat cartel would increase the cost of an item essential to the production of basic foods such as pasta, bread, pastries and any other flour-based product.

Why does the government want so badly to reduce farmers' incomes, increase the cost of basic food for Canadians and create more wealth for the large multinationals that control the food industry?



• (1420)

[English]

**Senator LeBreton:** I just turned to my colleague and asked, "Where do they get this stuff?"

The fact of the matter is, first, Canada has a growing and thriving agricultural industry. We are very proud of our farmers, Eastern and Western, no matter what products they produce. We promised our Western grain producers that we would provide marketing freedom and that is exactly what we plan to do. As a matter of fact, I fully expect that most people in Western Canada understand this and support us.

**Senator Hervieux-Payette:** Maybe the leader is not aware that there was a report published this year about agri-food and the fact that under her government, for a number of years, the exportation of agri-food has dramatically reduced compared to the 1990s. How will this improve the situation? We know the Americans and the Europeans invest billions of dollars in subsidies, so the Government of Canada also had to invest. We are competing in the world market, but it is government to government, not farmers to farmers. I would like to have an answer to that question.

**Senator LeBreton:** Honourable senators, this party and this government believe in the capacities of individuals to thrive. We do not believe that there must be a big brother overseeing every aspect of our society. Furthermore, insofar as the Canadian Wheat Board goes, we made it very clear, as I stated before many times, that we would deliver on the promise to provide marketing freedom for our Western farmers.

Unlike the honourable senator, I actually have great faith in the ability of our farmers not only to continue to grow and produce, but also to compete very effectively. We are not hiding behind some snow fence up here in Canada; we are absolutely capable of taking on the world in whatever aspect is required.

**Hon. Tommy Banks:** The Leader of the Government in the Senate has made it clear that she wants to be clear. Let us put the minds of Eastern farmers at rest right now. Will she undertake that her government will not change the supply management system?

**Senator LeBreton:** Honourable senators, I am sure the honourable senator is referring to the discussions at the APEC meeting in Honolulu a few days ago. As honourable senators know, our country has formally expressed our willingness to join the Trans-Pacific Partnership. That is a good thing because, in this global economy, the more free trade agreements that we can sign and participate in, the better it will be for everyone in our country, be it agricultural producers or manufacturers.

All countries will obviously go to the table and will promote and protect their own interests, and, of course, Canada intends to do just that, including supply management.

#### CANADIAN WHEAT BOARD

**Hon. Terry M. Mercer:** Honourable senators, I am a little in shock here. Earlier during Question Period, the Leader of the Government in the Senate used a word twice in reference to

the vote by Western farmers on their decision about whether or not to have a single desk, of which results were 60 per cent plus. She said twice that the results were "skewed." She said it twice.

I want to know from the minister, who is she accusing of wrongdoing? Is she accusing those farmers up there from Western Canada, or is she accusing the Wheat Board of skewing the results? It is difficult to use that word sometimes.

**Hon. Marjory LeBreton (Leader of the Government):** I will not touch that. I am not accusing anybody. I am simply saying what was public at the time. This was a plebiscite and there was some question as to exactly who was invited to participate in the plebiscite. Therefore, I am not accusing anybody of committing any wrongdoing. I am simply saying that the method used to conduct the plebiscite may not have been an accurate reflection of what farmers actually wanted.

**Senator Mercer:** Let us listen to what the leader said. She said that the process was wrong, that those men up there and their colleagues throughout Western Canada did something wrong or that the Wheat Board did something wrong in conducting a plebiscite, which has been conducted before. The Wheat Board and these farmers from Western Canada are not new at this plebiscite thing. This is not new. They have done it several times and every time they have won. They are not "skewing" around. The leader must be clear.

Let us go back to the debate from this past weekend. She talked about her commitment to supply management. Minister Fast seems to be following in the footsteps of Minister Ritz and the Prime Minister in not respecting Canadians' supply chain. Minister Fast has not ruled out eliminating Canada's system of supply management while currently undergoing talks about entry into a new Asia-Pacific trade group. Strangely enough, the minister said this past weekend that Canada was not yet ready to join the group, but the Prime Minister is quoted as saying Canada wants to join the new trade group.

My question is simple: Who is telling the real story? Is the government seriously considering a change to Canada's supply management system in order to qualify for entry into this new trade agreement?

**Senator LeBreton:** Honourable senators, I will suggest that I just answered that question, but obviously Senator Mercer was getting himself so worked up about the question he was going to ask that he did not hear my answer.

It is in the country's interests to be at the table for all potential trade negotiations. As was the case with the Trans-Pacific Partnership, many countries will come to the table, such as Japan, New Zealand, Australia and the United States, with certain specific interests that they will want to promote or protect, and Canada is no different. Of course, supply management is part of that.

The fact is, honourable senators, this government believes in the ability of Canadian producers and manufacturers to compete in the world. That is why we have entered into —

**Senator Mercer:** Does the government endorse supply management, yes or no?



**Senator LeBreton:** I will have to say again to Senator Mercer what I said before. He missed his calling; they should have put him on a tugboat in Halifax Harbour as he would make a great foghorn. The fact is —

**Senator Mercer:** I will take the leader down to the harbour any day she likes.

**Senator LeBreton:** He may not want to know what I would do with him if I got him to Halifax Harbour.

**Some Hon. Senators:** More, more!

**Senator LeBreton:** I have taken on better people than Senator Mercer, I will tell you.

In any event, honourable senators, I know Senator Mercer is putting on this great show for the benefit of our visitors in the gallery, and I am sure they are wondering if they actually wished this upon themselves.

In any event, the fact of the matter is, as I have stated many times, this government believes that farmers have earned the right to sell their products freely. Now they will have a chance — I am talking about the Wheat Board now — to do so freely, or they can go through the Wheat Board as they always have.

• (1430)

[Translation]

## ORDERS OF THE DAY

### BUSINESS OF THE SENATE

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, pursuant to rule 27(1), I would like to inform the Senate that when we proceed to Government Business, the Senate will address the items in the following order: first, Motion No. 17; second, Motion No. 16; and third, other government business, as indicated on the Order Paper.

[English]

### THE SENATE

#### STATUTES REPEAL ACT—MOTION TO RESOLVE THAT THE ACT AND THE PROVISIONS OF OTHER ACTS NOT BE REPEALED—DEBATE ADJOURNED

**Hon. John D. Wallace,** for Senator Carignan, pursuant to notice of November 15, 2011, moved:

That, pursuant to section 3 of the *Statutes Repeal Act*, R.S., 2008, c. 20, the Senate resolve that the following Act and the provisions of the other Acts listed below, which have not come into force in the period since their adoption, not be repealed:

1. *Comprehensive Nuclear Test-Ban Treaty Implementation Act*, S.C. 1998, c. 32;
2. *An Act to amend the Canada Grain Act and the Agriculture and Agri-Food Administrative Monetary Penalties Act and to repeal the Grain Futures Act*, S.C. 1998, c. 22:
  - ss. 1(1) and (3), 2 to 5, 6(1) and (2), 7, 9, 10, 13 to 16, s. 17 in respect of par. 88(1)(a) of the English version of the *Canada Grain Act* and in respect of the portion of s. 88(1) of the French version of the *Canada Grain Act* that reads as follows: “soit pénétrer dans une installation ou dans les locaux d’un titulaire de licence d’exploitation d’une installation ou de négociant en grains ou en cultures spéciales s’il a des motifs raisonnables de croire que des grains, des produits céréaliers ou des criblures s’y trouvent, qu’ils appartiennent au titulaire ou soient en sa possession, ainsi que des livres, registres ou autres documents relatifs à l’exploitation de l’installation ou du commerce”, and ss. 18 to 23, 24(2) and (3) and 26 to 28;
3. *An Act to amend the Canadian Wheat Board Act and to make consequential amendments to other Acts*, S.C. 1998, c. 17:
  - ss. 6(3), 7, 18(1), 19(4), 22 and s. 25 in respect of s. 47 of the *Canadian Wheat Board Act*;
4. *Agricultural Marketing Programs Act*, S.C. 1997, c. 20:
  - ss. 44 to 46;
5. *Canada Grain Act*, R.S., c. G-10:
  - par. (d) and (e) of definition “elevator” in s. 2, and
  - ss. 55(2) and (3);
6. *Canadian Wheat Board Act*, R.S., c. C-24:
  - ss. 20 to 22;
7. *Budget Implementation Act*, 1998, S.C. 1998, c. 21:
  - ss. 131 and 132;
8. *An Act to implement the Agreement on Internal Trade*, S.C. 1996, c. 17:
  - ss. 17 and 18;
9. *Nordion and Theratronics Divestiture Authorization Act*, S.C. 1990, c. 4:
  - s. 9;
10. *Preclearance Act*, S.C. 1999, c. 20:
  - s. 37;



11. *Contraventions Act*, S.C. 1992, c. 47:

-ss. 8(1)(d), 9, 10, 12 to 16, 17(1) to (3), 18, 19, 21 to 23, 25, 26, 28 to 38, 40, 41, 44 to 47, 50 to 53, 56, 57, 60 to 62, 84 with respect to ss. 1, 2.1, 2.2, 3, 4, 5, 7, 7.1, 9, 10, 11, 12, 14 and 16, and 85;

12. *Modernization of Benefits and Obligations Act*, S.C. 2000, c. 12:

-ss. 89, 90, 97, 107(1) and (3), 109, 128, 174, 175(2), 176(1), 177, 178, 180 to 186, 275, 277, 286 to 288 and 290;

13. *Firearms Act*, S.C. 1995, c. 39:

-par. 24(2)(d), ss. 39, 42 to 46, 48 and 53;

14. *Marine Liability Act*, S.C. 2001, c. 6:

-s. 45;

15. *Canada Marine Act*, S.C. 1998, c. 10:

-ss. 140, 178, 185, and 201, and

-Part 2 to the Schedule; and

16. *Public Sector Pension Investment Board Act*, S.C. 1999, c. 34:

-ss. 155, 157, 158, 161(1) and (4).

He said: Honourable senators, Bill S-207, An Act to repeal legislation that has not come into force within 10 years of receiving Royal Assent, was a public bill that originated in the Senate. It was introduced by the Honourable Tommy Banks in the Second Session of the Thirty-ninth Parliament. The bill was passed with unanimous support in both Houses of Parliament. The Statutes Repeal Act received Royal Assent on June 18, 2008, and came into force two years later on June 18, 2010.

Section 2 of the Statutes Repeal Act requires the Minister of Justice to table an annual report before both houses of Parliament during the first five sitting days in each calendar year. Each annual report must list the acts and provisions not yet in force that were assented to nine years or more before December 31 of the previous calendar year.

This is the first year of the implementation of this act. The first annual report was tabled on February 3, 2011, and it lists 45 pieces of legislation involving 19 departments and agencies.

Pursuant to parliamentary rules, the report is deemed to have been referred to the appropriate standing committees, that is, the Justice and Human Rights Committee in the House of Commons and the Legal and Constitutional Affairs Committee in the Senate.

According to section 3 of the Statutes Repeal Act, all the acts and provisions that are listed in the first annual report will be repealed on December 31, 2011, unless, before that date, they are

brought into force or one of the houses of Parliament adopts a resolution exempting them from repeal.

Honourable senators, I am speaking to you today in support of the motion that this chamber adopt a resolution before December 31 of this year exempting one of the acts and provisions in 15 other acts referred to in the first annual report from being repealed on December 31, 2011. The purpose of the Statutes Repeal Act is to encourage the government to give active consideration to the coming into force of acts and provisions that have not been brought into force within 10 years of being assented to. In keeping with this purpose and the intention to ensure, as much as possible, that the will of Parliament is respected, deferrals are being requested only when, first, there is an operational need; second, there is a need to await the occurrence of some event that is out of the government's control; third, there could be federal-provincial implications; or fourth, there could be international implications.

Seven ministers have requested the deferral of the repeal of one act and a number of provisions in 15 other acts identified in the first annual report. The departments involved are Agriculture and Agri-Food, Finance, Foreign Affairs, Justice, Public Safety, Transport, and Treasury Board.

The reasons for the deferrals will follow, and I will go through the departments, one after the other.

First, the Department of Agriculture and Agri-Food is requesting deferrals concerning provisions in five acts. In this regard, any decision regarding the not-in-force provisions relating to the following four acts should be approached on a comprehensive basis: first, An Act to amend the Canada Grain Act and the Agriculture and Agri-Food Administration Monetary Penalties Act and to repeal the Grain Futures Act, S.C. 1998, c. 22; second, An Act to amend the Canadian Wheat Board Act and to make consequential amendments to other Acts, S.C. 1998, c. 17; third, the Canada Grain Act, R.S., c. G-10; and fourth, the Canadian Wheat Board Act, R.S., c. C-24.

The government has indicated its intention to modernize the Canadian Grain Act and has introduced a bill to replace the Canadian Wheat Board Act. Deferral of the repeal of the provisions in these acts is being sought so that these reforms can be made comprehensively through government bills.

The fifth act for which the Department of Agriculture and Agri-Food is requesting deferrals is the Agricultural Marketing Programs Act, S.C. 1997, c. 20. The not-in-force provisions under that act will, when brought into force, repeal certain obsolete statutes that this act replaces. When all debts under these obsolete statutes have been paid off, it will be possible to bring the provisions in the Agricultural Marketing Programs Act into force.

The Department of Finance is also requesting deferrals concerning provisions in three acts, and the reasons for these deferrals are as follows. The first is in regard to the Budget Implementation Act, S.C. 1998, c. 21. Sections 131 and 132 of that act modify section 1 of Article XV of Schedule I to the act and add a Schedule M to Schedule I to the Bretton Woods and Related Agreements Act.



The deferral is necessary because Canada ratified the International Monetary Fund decision, and when the United States finally agreed, triggering the threshold number of votes, the decision came into force at the international level in 2009. Canada will likely want to take steps to bring this into force to reflect our international commitment.

The second is An Act to implement the Agreement on Internal Trade, S.C. 1996, c. 17. The amendments that are not yet in force provide for a regulation-making authority in the context of legislation related to the Agreement on Internal Trade. Deferral from automatic repeal of these provisions is required, as these and other provisions of the Agreement on International Trade will be revisited in the near future.

The third is the Nordion and Theratronics Divestiture Authorization Act, S.C. 1990, c. 4. This act, except for section 9, came into force on Royal Assent. That was on January 30, 1990. Section 9 authorized the making of regulations that would permit the employees of Nordion or Theratronics to make an election to leave the contributions that they had made, pursuant to the Public Service Superannuation Act and the Supplementary Retirement Benefits Act, in the Public Service Superannuation Account during employment with Nordion or Theratronics.

Such employees were not entitled to make further contributions under those acts but could count their years of employment with a privatized Nordion or Theratronics to qualify for the benefits earned under those statutes.

As the act concerns pension matters, the automatic repeal of section 9 might have significant implications for pension arrangements and might adversely affect past employees of Nordion or Theratronics.

Next, the Department of Foreign Affairs is requesting deferrals concerning provisions in two acts for the following reasons. The first is in regard to the Comprehensive Nuclear Test-Ban Treaty Implementation Act, S.C. 1998, c. 32. This act is the only entire act for which deferral is being sought. This act will be brought into force as soon as the Comprehensive Nuclear-Test-Ban Treaty comes into force. However, there is no real expectation that the treaty will enter into force in the next few years. It is vital that the act not be repealed, so that the treaty can be implemented in Canada when it comes into force; and in the meantime, Canada can continue to demonstrate a commitment to its implementation.

• (1440)

Two, the Preclearance Act, S.C. 1999, c. 20: Section 37 of the Preclearance Act must be saved from repeal. This provision may be useful and necessary in the future to meet Canada's border needs.

It is important to note that the preclearance officers referred to in section 37 are persons authorized by the United States to preclear in Canada, and that the Preclearance Act is the result of a bilateral treaty with the United States.

Under Article X of the agreement between the Government of Canada and the Government of the United States of America on air transport preclearance, "A preclearance officer shall enjoy immunity from civil and administrative jurisdiction of the Host Party with respect to acts performed or omitted to be performed in the course of his/her official duties."

Next, the Department of Justice is requesting deferrals concerning provisions in two acts. The reasons for those deferrals are as follows:

First, as regards the Contraventions Act, S.C. 1992, c. 47, the Minister of Justice has entered into agreements with several provinces in order to implement the federal contraventions regime, incorporating the existing procedural provincial scheme in conformity with the Contraventions Act and regulations. The department is still in negotiations with three other provinces which have not yet signed an agreement. Even though the Department of Justice remains determined to implement the regime throughout the country, it may need to implement an autonomous federal ticketing scheme in those provinces with which it would not have successfully signed an agreement.

Second, the Modernization of Benefits and Obligations Act, S.C. 2000, c. 12: These provisions are part of an omnibus act amending some 68 federal statutes to ensure equal treatment of married and common-law relationships in federal law regarding both benefits and obligations. Deferral is necessary to achieve consistency in federal legislation. The majority of these provisions are expected to be brought into force later in 2011 or early in 2012.

Amendments to the Cree-Naskapi (of Quebec) Act require additional steps, as the legislation flows from a negotiated self-government agreement.

Also, Treasury Board is requesting deferrals concerning provisions in one act, namely, the Public Sector Pension Investment Board Act, S.C. 1999, c. 34. The provisions concern pension and related benefits for the Canadian Forces. They amend definitions and repeal provisions of the Canadian Forces Superannuation Act. Regulations are required to set out the many substantive pension benefit provisions.

Any pension amendments for the Canadian Forces must take into account the pension arrangements for the public service under the Public Service Superannuation Act and the RCMP under the Royal Canadian Mounted Police Superannuation Act. Extensive consultations between the Canadian Forces, the RCMP and Treasury Board are required. While that consultation is under way, a deferral from automatic repeal would allow the departments to complete the work and make arrangements to have the provisions come into force if in fact that is the ultimate decision.

Public Safety is also requesting deferrals concerning provisions in one act, namely, the Firearms Act, S.C. 1995, c. 39. With respect to the provisions in the Firearms Act, given the government's ongoing review of the current firearms legislative framework, the Minister of Public Safety has requested that the repeal of those provisions be deferred to allow the government sufficient time to examine the potential impacts of that repeal.

Transport is also requesting deferrals concerning provisions in two acts, and the reason for those deferrals are as follows:

First, as regards the Marine Liability Act, S.C. 2001, c. 6, section 45 of the Marine Liability Act is the provision that will give effect to the Hamburg Rules, which is an international



convention on the carriage of goods by sea adopted by the UN in 1978, if it comes into force. Canada's laws on cargo liability are currently based on an international convention, known as the 1968 Hague-Visby Rules.

The Marine Liability Act contains a provision to bring into force the Hamburg Rules when a sufficient number of Canada's trading partners have ratified them. This approach is embodied in section 44 of the Marine Liability Act, which requires the minister to conduct a periodic review of the act to determine whether the Hamburg Rules should replace the Hague-Visby Rules, and to report to Parliament on the outcome of that review. Therefore, section 45 of the Marine Liability Act should not be repealed at this time.

**The Hon. the Speaker *pro tempore*:** I regret to inform the honourable senator that his time has expired. Are you asking for more time?

**Senator Wallace:** If I could.

**The Hon. the Speaker *pro tempore*:** Is more time granted, honourable senators?

**Hon. Senators:** Agreed.

**Senator Wallace:** Second, the Canada Marine Act, S.C. 1998, c. 10: There are diverse reasons for not repealing four provisions relating to the Canada Marine Act. They are: Section 140 of the Canada Marine Act enables Canada to enter into agreements with any person to ensure ferry service between North Sydney, Nova Scotia, Port-aux-Basques, Newfoundland and Labrador, in accordance with section 32 of the Terms of Union of Newfoundland with Canada, which is a constitutional obligation of Canada vis-à-vis Newfoundland.

Transport Canada would like to retain the existing legislative option provided, by section 178, to make the Jacques Cartier and Champlain Bridges Incorporated, sometimes known as the JCCBI, a parent Crown corporation with an order of the Governor-in-Council. Section 185 of the Canada Marine Act amends Schedule III to the Municipal Grants Act, which was replaced with the Payments in Lieu of Taxes Act in 2000 by adding JCCBI to Schedule III, thereby exempting JCCBI from the payment of real property taxes.

Section 201 of the Canada Marine Act would repeal the Harbour Commissions Act, which is the governing legislation for the Canadian Harbour Commissions. Since the Oshawa Harbour Commission continues to be governed by the Harbour Commissions Act until such time as it becomes a port authority, the Harbour Commissions Act should not be repealed under section 201 of the Canada Marine Act. Therefore, section 201 of that act should not be repealed.

Honourable senators, the Statutes Repeal Act provides that any deferrals would be temporary. As a result, any acts and provisions for which deferral of repeal is obtained by December 31 of this year will appear again in next year's annual report. They will be repealed on December 31, 2012, unless they are brought into force or exempted again for another year by that date.

It is very important that the resolution be adopted before December 31, 2011. Otherwise, the act and the provisions listed in the motion will be automatically repealed on December 31, 2011, along with all other acts and provisions mentioned in the first annual report that was tabled on February 3, 2011.

The repeal of the act and the provisions listed in the motion could lead to inconsistency in federal legislation. The repeal of certain provisions could result in federal-provincial stresses. The repeal of other provisions could create challenges under the Canada Charter of Rights and Freedoms. The repeal of yet others could blemish Canada's international reputation.

If a resolution is not adopted by December 31, 2011, federal departments would need to address the resulting legislative gaps by introducing new bills. Those bills would have to proceed through the entire legislative process, from policy formulation to Royal Assent. This would undoubtedly be costly, time-consuming and wasteful.

Honourable senators, in conclusion, I urge you to support the motion and vote in favour of a resolution that the act and provisions listed in the motion not be automatically repealed on December 31 of this year.

**Hon. Joseph A. Day:** Would the honourable senator accept a question?

**Senator Wallace:** A short one, yes.

**Senator Day:** I would like to congratulate him on going through that list. I was going to ask for an adjournment so that I could do all that work to find out what each of these related to. That was very helpful.

• (1450)

I noticed when the honourable senator referred to number 5 at the top of page 5 in the Order Paper, the Canada Grain Act, he referred to Revised Statutes of Canada G-20. Are we talking about the same statute that is referred to as G-10 in the Order Paper? That was under the first grouping, Agriculture Canada, one of the statutes that they wish not to be repealed, or portions thereof. Is it G-10 or is it G-20?

**Senator Wallace:** Could you refer to it again by name?

**Senator Day:** Yes; it is the Canada Grain Act. It is shown in the Order Paper as G-10. I heard the honourable senator refer to it as G-20. I just want to know if it is the same as in the Order Paper, item number 5.

**Senator Wallace:** Thank you for the question, senator. Yes, there were five acts referred to by the Department of Agriculture and Agri-Food. The third one was the Canada Grain Act, chapter G-10.

**Senator Day:** Just so we are clear, the record should show G-10 as the reference for that one. Thank you.



Second, the honourable senator indicated that the statute under which this procedure is taking place deems the list that comes out within five sitting days is referred to the Standing Senate Committee on Legal and Constitutional Affairs in the Senate. Is that of a new parliament? Did that in fact take place? Did the Standing Senate Committee on Legal and Constitutional Affairs have an opportunity to study the overall list before this deferral list came out?

**Senator Wallace:** No, it was not referred to the Legal Committee.

**Senator Day:** Is there a provision for it to be referred but it just was not? Is that the way I understood?

**The Hon. the Speaker *pro tempore*:** Senator Wallace, you have about three or four seconds left in your time within which to respond.

**Senator Wallace:** I would have to examine that, honourable senators. I cannot answer that at this moment.

**Hon. Tommy Banks:** I thank Senator Wallace very much for the detail. I know it sounds excruciatingly boring to some of us, but it was of extreme interest to me. I thank him for that. He has answered many of the questions I was otherwise going to raise.

For the benefit of senators opposite who might not have been here during the debate, the question that gave rise to this bill was whether or not Parliament was supreme. That was the question that gave rise to this bill. The operating principle was that when Parliament passes an act of Parliament in which is included a provision called “coming into force,” which provides that the Governor-in-Council may bring that act or a section of that act into force at a date and time of its choosing, that Parliament is giving that discretion to the government in terms of when the bill or its provisions will be brought into force and not whether they will be brought into force.

With regard to the arbitrary time that we picked when we were arguing about the bill, many Conservatives senators at the time thought it ought to be five years, but we settled on ten, in order to allow for lots of room.

There was a further two-year period from the time the bill received Royal Assent to the introduction of the first list to which Senator Wallace referred in February of this year, in order that the government — of whatever stripe it might be — could get its act together because it was an onerous task to compile this first list. All successive lists will be significantly shorter.

The very answers that Senator Wallace gave have given rise to some of the questions, because, as he said, it is intended that some of these acts or the sections of them will be brought into force in short order and that further consultation is required. For example, with respect to the Firearms Act, Public Safety said they need time to consider the matter further. That act was passed in 1995.

The question that actually gave rise to the existence of this act is precisely: How much time does the government need to consult with whom? It was not this government and it was not the

government before that, but it was the government before that. In light of my wanting to go through this list with a rather finer-toothed comb than I can today, notwithstanding Senator Wallace's complete answer, for which I am grateful, I would like to move the adjournment of the debate.

(On motion of Senator Banks, debate adjourned.)

## MARKETING FREEDOM FOR GRAIN FARMERS BILL

### MOTION TO AUTHORIZE AGRICULTURE AND FORESTRY COMMITTEE TO STUDY SUBJECT MATTER—DEBATE SUSPENDED

**Hon. Donald Neil Plett,** pursuant to notice of November 15, 2011, moved:

That, in accordance with rule 74(1), the Standing Senate Committee on Agriculture and Forestry be authorized to examine the subject-matter of Bill C-18, An Act to reorganize the Canadian Wheat Board and to make consequential and related amendments to certain Acts, introduced in the House of Commons on October 18, 2011, in advance of the said bill coming before the Senate.

He said: Honourable senators, after listening to Question Period and the marvellous job that my leader in the Senate did in answering questions, there is not much left to say, so I will not take too much time.

Bill C-18, indeed is called, and rightfully so, the Marketing Freedom for Grain Farmers Act. This will give Canadians who feed the world what they rightfully deserve: the freedom to make their own business decisions. Whether this is to market individually or through a voluntary pooling entity, our government believes that all Canadian farmers have the right to take advantage of any and all marketing options open to them.

Bill C-18 will give wheat and barley growers from across Western Canada the same rights that are already afforded to farmers in all other parts of Canada. They have the right to make their own decisions about the crops they plant, grow and harvest. Why should they not also have the choice about where, when and for what price they sell their crops?

Marketing freedom will allow grain growers to market based on what is best for their needs and their businesses. A professor and economist at the University of Manitoba, Milton Boyd, agrees with this principle, stating:

... all of the major grain marketing boards around the world have already disappeared (or have been privatized) over the last 20 years ... mainly because farmers and consumers worldwide have wanted economic reforms, competition, and freedom to choose.

Single-desk marketing has cost Western Canadian farmers hundreds of millions of dollars in lost revenue since the Western Canadian Wheat Board was made compulsory in 1943. This was done literally overnight, with no consultation, no input and no vote by Western Canadian farmers.



Senator Mitchell referred to a plebiscite today and I believe that he said there were approximately 20,000 grain farmers in Western Canada. However, the Canadian Wheat Board sent out, apparently, 66,000 ballots for this plebiscite. Many people who were not even alive got ballots. I am wondering if 40-some thousand were sent to people who are not grain farmers.

A friend of mine in Saskatchewan who farms approximately 7,000 acres of land told me just last night that, in 2008 alone, the Canadian Wheat Board monopoly cost him, his farm and his family \$500,000 in lost revenue. He said that in the 35 years that he has farmed, there have been only two years when single-desk marketing has not been a detriment to his farm. This man is a co-founder and supporter of an organization called North West Terminal, one of the largest farmer-owned inland grain terminals on the Prairies, a co-op. Voluntarily, farmers can join this co-op and get help to market their grain.

• (1500)

Honourable senators, I am proposing a pre-study in order to give this legislation the appropriate amount of time for discussion and debate.

Yesterday, we saw farmers from across Western Canada gather on Parliament Hill and indeed we have seen some of them in our gallery today. Many have also contacted our offices through email, by fax and by phone, asking us to give every consideration to Bill C-18. Some of my colleagues and I are meeting with these farmers later this afternoon. I am looking forward to hearing their opinion on this matter.

These farmers are asking us to thoroughly review this legislation and study all the implications surrounding it. Our chamber must begin a pre-study to allow for the proper amount of study the bill deserves. As we are anticipating that this legislation to be before this chamber shortly, a pre-study would allow us the extra time to properly study this legislation — instead of rushing it through the committee process — just as Senator Peterson has asked us to do.

If we are to pass this important piece of legislation, it is imperative that it receive Royal Assent before the Christmas break to allow Western Canadian farmers ample time and opportunity to find markets for their wheat and barley for the next crop year.

As well, it is important for the Canadian Wheat Board to begin its transition period. The elimination of single-desk marketing for wheat and barley in Western Canada, as my leader pointed out earlier, has been an issue that our government has campaigned on and has promised Western Canadian farmers for more than a decade. It is now time for our government to carry through on this commitment.

The Conservative government, however, is further committed to supporting the continuation of the Canadian Wheat Board for a period of the next five years as they transition into a private entity. If farmers want to continue using the Wheat Board, they are in fact entitled and able to do so. We encourage them to do so.

Honourable senators, I cannot stress to you enough the importance that in order to have the number of meetings to facilitate proper debate and hear all of the necessary witnesses, we need to begin a pre-study as soon as possible.

I will speak more extensively and in favour of this legislation once it is received in this chamber. However, for now I simply ask that all honourable senators join me in support of this pre-study motion. We are not, honourable senators, asking you to support the bill today. We are today asking you to support a study. This is what farmers in Western Canada have asked us to do. Nobody on the other side can say that we are not doing what farmers have asked us to do if we get together and pre-study this bill. They have asked us to do this. I am committed to do this and I hope all honourable senators will support this motion.

(Debate suspended.)

#### DECLARATION OF PRIVATE INTEREST

**Hon. David P. Smith:** Honourable senators, I wish to note on the record that I will not be participating in any discussion on matters relating to the Wheat Board and I will abstain from voting. The law firm I chaired for years is acting for the Canadian Wheat Board in litigation on this matter. I am still the honorary chairman and have an office there. There are over 500 lawyers in the firm. I have nothing to do with the case regarding the Wheat Board, but I wish to put this declaration on the record, not participate and abstain.

#### MOTION TO AUTHORIZE AGRICULTURE AND FORESTRY COMMITTEE TO STUDY SUBJECT MATTER—DEBATE ADJOURNED

On the Order:

Resuming debate on the motion of the Honourable Senator Carignan, seconded by the Honourable Senator Patterson:

That, in accordance with rule 74(1), the Standing Senate Committee on Agriculture and Forestry be authorized to examine the subject-matter of Bill C-18, An Act to reorganize the Canadian Wheat Board and to make consequential and related amendments to certain Acts, introduced in the House of Commons on October 18, 2011, in advance of the said bill coming before the Senate.

**Hon. Robert W. Peterson:** Honourable senators, I must again stress, what is the rush to pre-study this bill? It is my understanding that Bill C-18 could be completed and sent to the Senate in a couple of days, at which time we could proceed in the usual manner.

Honourable senators, this motion to conduct a pre-study of Bill C-18 would only be acceptable to me if colleagues opposite were truly interested in hearing the views of Western farmers, and were prepared to leave the Ottawa bubble to listen to them where they live, listen to their families and community leaders, business owners and local grassroots organizations.



## MOTION IN AMENDMENT

**Hon. Robert W. Peterson:** Honourable senators, in the spirit of compromise and to avoid voting outright against this motion, I move:

That this motion not now be adopted, but that it be amended by adding:

“and that the Standing Senate Committee on Agriculture and Forestry hold public hearings on the subject matter of Bill C-18 in the provinces of Alberta, Saskatchewan and Manitoba between the date of the adoption of this motion and December 16, 2011.”

**The Hon. the Speaker *pro tempore*:** Further debate?

**Hon. Nicole Eaton:** Honourable senators, I would like to respond to Senator Peterson by saying we did have a plebiscite. We did go out west and consult with farmers and their families. It is called the last election.

You know what? The proof is in the pudding. How many seats do you have west of Ontario? We campaigned on changing the Wheat Board, on opening it up. Nobody can say that we hid that under the table and are pulling it out like a surprise the way The Honourable Pierre Elliott Trudeau did with wage and price controls. We campaigned on the Wheat Board and we won seats. That is our plebiscite.

**Senator Campbell:** That is not your plebiscite. You had less than 40 per cent of the population voting for you.

**Senator Eaton:** I would very much like to support my colleague Senator Plett.

**Senator Campbell:** On the amendment.

**Senator Eaton:** I responded to your amendment. We have had a plebiscite, and it was called the election.

**Hon. Bob Runciman:** Honourable senators, I am inquiring about the appropriateness of the motion in amendment from Senator Peterson to not adopt the motion but amend it. He is saying, “I am not adopting it but amending it.” I am inquiring about whether that is in order.

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, there is certainly no point of order here. If you had listened, the amendment stated that the motion not now be adopted and then the amendment was proposed. I think it is entirely appropriate that we direct the committee to conduct hearings and that we hear the farmers on their own turf. It is entirely appropriate that the Senate, as a chamber, deal with the motion as to what a committee should or should not do. The Senate is the master of its own destiny; therefore, there is no point of order and the amendment is in order.

**Hon. Joan Fraser:** Honourable senators, I wish to support Senator Tardif's point. It is pretty well standard practice to introduce an amendment by saying that X be not now adopted,

but that it be amended before it gets adopted. There is nothing unusual about what Senator Peterson has done and is entirely in order in my view.

**The Hon. the Speaker *pro tempore*:** Honourable senators, it is the view of the chair that the standard way of making an amendment to a motion to use language “That the motion not now be adopted but,” and accordingly the finding is that there is no point of order.

We now proceed to debate on the motion as amended.

• (1510)

**Hon. Tommy Banks:** Debate on the amendment.

I perfectly understand; that is exactly the thing I said, Senator Runciman, when I first came here and heard that language. What you do you mean “not”? I am with you, sir.

I am delighted to hear of Senator Plett's commitment to hear from many grain farmers. I want to explain; I represent the province of Alberta. In District One of the Canadian Wheat Board, which goes from just south of Edmonton to Vulcan, very nearly at the United States border, there are 12,000 licence holders who are grain farmers.

In response to Senator Eaton, in the election, there were hundreds of thousands of eligible voters in that same geographical area, of whom only 12,000 were grain farmers. It is not possible to extrapolate from that that grain farmers, *per se*, voted in favour of this government, my party or any other party, or in favour of any measure proposed by any government. It is entirely appropriate, as Senator Peterson suggests, that the Agriculture Committee deal with a matter as important as this. We are changing a marketing system that has been in place in this country for 70 years. If we are going to do that and make the sea changes that are talked about, it is entirely appropriate that the Agricultural Committee of this place should go to the farmers, at our expense and not theirs, to hear from them.

**Hon. A. Raynell Andreychuk:** Honourable senators, speaking to the amendment, I find it curious that we would be telling the committee what it should do. We are always cautious in this chamber to give as much latitude as possible to the committee to determine how they do their studies. I would say that would include pre-study. Whether travel should occur and where witnesses should be heard would, I should hope, be at the discretion of the committee and not be fixed here by the chamber.

**Hon. Joseph A. Day:** Question to the honourable senator.

Would the honourable senator use that same theory to leave it to the committee to determine whether they should or should not pre-study?

**Senator Andreychuk:** I think that is a different issue.

**Some Hon. Senators:** Oh, oh!

**Senator Andreychuk:** It is.



**An Hon. Senator:** Absolutely.

**Senator Andreychuk:** It is because a pre-study is not the normal course of conduct of committees. It takes into account discussion. If they cannot be in agreement, you obviously come to the floor to resolve that issue, unless there could have been agreement. I have faith this issue has been canvassed. Until we know some reason why the chamber should intervene, I would give the latitude to the committee as we normally do.

[Translation]

**Hon. Fernand Robichaud:** Honourable senators, it goes without saying that I support the honourable senator's amendment because I believe that it is completely consistent with Senator Plett's motion. Senator Plett told us that he wants to ensure that the committee hears from as many witnesses as possible, particularly people affected by this bill. I believe that the suggestion to travel to the provinces — Alberta, Saskatchewan and Manitoba — is completely consistent with Senator Plett's motion. We must hear from witnesses who are familiar with the situation or who will be affected by these changes. The best way to do that is to go and see them where they live so that they are not required to pay their own way to come here to the nation's capital to talk to us, as some witnesses did this week.

I believe that the Senate, which represents the regions, should accept the proposed amendment right away so that we can go and see people where they live, let them speak, hear what they have to say and study all the different aspects of this issue.

[English]

**Hon. Donald Neil Plett:** Honourable senators, I would also like to speak to the amendment. It is my opinion that it is completely in contradiction to the motion and not at all an amendment. As has been said numerous times, both here and in the other place, we did have a plebiscite on May 2. It was called the general election.

In my province, where probably 80 per cent of the grain farming is done, we not only won the seats, but we also won them probably by, in the lowest instance, about 71 or 72 per cent. That is not just barely squeaking by. Yes, many ballots were sent out. It has been pointed out that there are only about 20,000 farmers, so I am not sure where all the books were and how the 66,000 ballots were established. However, clearly, when we are talking of percentages, I would suggest that the election was a far clearer indication.

As I suggested in my speech, we have campaigned on this issue for more than 10 years. The Wheat Board has had every chance to speak out, as have the farmers. They, in fact, spoke out in my province by overwhelmingly electing this government. Any reasonable person would know that to do what Senator Peterson suggested will take an awful lot of time.

If this bill is supposed to pass — and we will debate it — it needs to receive Royal Assent before we break for Christmas. To do what Senator Peterson is suggesting is not possible. If the legislation is supposed to pass, we cannot put Western Canadian farmers in the position of having to wait another year.

The farmer I talked about in Saskatchewan, with 7,000 acres of land, told me that this was the worst year he had experienced in 35 years with the Wheat Board selling his wheat. He is sitting

there with thousands and thousands of bushels of wheat that he cannot sell now, and they are suggesting that we wait another year. That is not reasonable to do. We either move forward with the bill or we do not. I am stating my strong opposition to the amendment.

[Translation]

**Senator Robichaud:** Does the honourable senator not feel we would have the time, because the motion sets out a time period from the adoption of the motion until December 16? We would have enough time to go and listen to people, come back and do what needs to be done.

Does he not feel we would have enough time?

[English]

**Senator Plett:** No, he does not.

**Senator Banks:** Will the honourable senator accept a question?

**Senator Plett:** Absolutely.

**Senator Banks:** Thank you.

Actually, it is two questions. I do not know whether Senator Plett knows the answer specifically, but the first question is this: How many people are there in his constituency? Out of that number of people, which would be in the tens of thousands, how many are licence-holding grain farmers? By the way, when I said 20,000, I was talking only about the Alberta district. I cannot talk about Saskatchewan.

My point is that the honourable senator said that the grain farmers voted overwhelmingly for this government. That may be true. It also may not be true. We will never know because the people who are actually grain farmers are a very small number of the electorate in all of the Prairie provinces.

**Senator Plett:** I thank Senator Banks for his question.

Indeed, the 20,000 farmers that Senator Banks and Senator Mitchell were referring to were only in Alberta. The fact of the matter is that there are only about 25,000 grain farmers in Western Canada. I do not think 20,000 can be in Alberta. The numbers were not far off. Do I know how many grain farmers voted for us? No, I do not. I know the percentage. I know we have an average of about 85,000 people in each riding, maybe 90,000. We had probably a little higher than the average turnout, which would be around 60 per cent, I believe. How many of those voted for us, I do not know. However, living in that area, in the riding of Provencher, I know how many farmers did. Senator Chaput lives in Provencher, also. In that area, the farmers I talk to are supportive of what we are doing, overwhelmingly. We can travel in Manitoba and ask them if they are supporting us and spend all kinds of Senate and government money to travel there and hear exactly what they have told us — exactly what they told us on May 2 — but I think that is the wrong way to spend government money. I would suggest that we hold the meetings in Ottawa, the pre-study, bring in the proper amount of stakeholders, proper people who are representing both sides of the issue, and hear them out.



• (1520)

**Senator Banks:** My second question is about the alacrity referred to by Senator Peterson. I do not know what the hurry is. I am not a grain farmer, obviously, but I know a bit about it and I know many of them. You said that there was urgency so that grain farmers could, by December, start making arrangements to sell their grain in the following crop year. I do not understand that because no farmers that I know or have ever spoken to ever make arrangements to sell their grain — and I am talking about grain outside of the wheat and barley susceptible to the Canadian Wheat Board Act — in December.

Does the honourable senator know anything that I do not? Can he inform us as to why farmers would like to make grain selling decisions in December?

**Senator Plett:** Absolutely, honourable senators. Again, there was the farmer I spoke to last night. Many of the farmers in my area are on their computers right now and are checking the future markets. They are locking into prices. If it is non-Canadian product, they are locking in the prices today. If they think it is an acceptable price, they are locking it in as we speak.

Yesterday, my friend told me how much of his canola had already been spoken for and sold for the upcoming year. He cannot do that with his wheat. The Wheat Board will not sell it. They will only take it at a certain time and they will pay for it whenever they get around to it. He cannot afford to operate that way. That is the urgency.

Plus, we have been getting ready for this for more than 10 years. Previous political parties to which I belonged had it in their policy documents. We have been going at this for years and years. People are now suggesting there is urgency. Yes, there is urgency now because the bill is coming to us. We need to get it through before the end of the year. If we do not pass this before Christmas, we are not coming back till February — that is, unless you would like to come back in the beginning of January to deal with it.

**Senator Banks:** For the sake of the Wheat Board, I will come back any time you say.

**Some Hon. Senators:** Hear, hear!

**Hon. Michael Duffy:** This is a question for Senator Plett.

I wonder if the honourable senator, like me, finds it passing strange that the undertone here seems to be that there has not been consultation and that people on May 2 were not aware what they were voting for. I find it passing strange and I wonder if you share this view. Not that long ago, in 1974, there were a certain group of people going coast to coast in this country saying, "Zap! You are frozen. Wage and price controls are not required." Yet, 12 months later, they did a 180-degree flip flop without ever consulting. They would not dare run an election campaign on what they wanted to do. They ran on a deception and then, after they won, they switched. This is a government that runs on what it plans to do, gets a majority and now we have people saying that we do not have a mandate.

Would Senator Plett care to comment?

**Senator Plett:** Thank you, Senator Duffy. Someone that the members opposite, I think, hold in high regard made a comment many years ago that it is not my responsibility to sell the grain of the Western wheat farmers. That comment was made and now, all of a sudden, we deem it necessary that the government sell the grain of the Western wheat farmers.

I find it very strange that members opposite are on one side of the issue one day and the next day they find out there are friends on the other side of the issue. Indeed, they are with their friends.

**Hon. Maria Chaput:** Honourable senators, as my Senator Plett has said, I am from Provencher in Manitoba and am proud to be so. I know for a fact that some farmers in Manitoba do not agree and are not in favour of this bill. I know that for a fact. Now, they might be a minority. As honourable senators know, I always fight for minorities in this place. I sincerely believe that they need to be heard. They might not have been heard in this election. I do not know how they voted, but the fact of the matter is that they need to be heard. They have a right to be heard and I support the amendment.

**Senator Eaton:** I thank the Honourable Senator Chaput for what she has said, but is it not true that this amendment is just a way of dragging the puck? That is, of prolonging the agony of defeat?

**Senator Chaput:** There is no intention on my part either of dragging out the process. It is a matter of democracy, a matter of rights and a matter of minorities having the right to be heard. So be it.

**Senator Plett:** I wonder whether my honourable friend would accept another question.

**Senator Chaput:** Yes.

**Senator Plett:** In the other place, when the members opposite were in government, the then Minister of Agriculture, Mr. Wayne Easter, made a comment. I agree with the comment and I wonder if my friend would agree with it. I think this speaks very much to minorities. Of course, members opposite are suggesting that people who want to get rid of single-desk marketing are in the minority, so I do support this.

Mr. Easter said, "However, the denial of legitimate rights to one group is an infringement on the rights of all, so those people who want to sell their wheat on the open market and are not allowed to." Would the honourable senator not agree that that is an infringement on their rights?

**Senator Chaput:** That is not the question, senator.

**Senator Plett:** It is my question to you.

**Senator Chaput:** Majorities take care of themselves. Minorities need to be heard. This is what I mean.



**Hon. Grant Mitchell:** Honourable senators, I want to make a few comments on this particular amendment. In response, in particular, to the government's sustained argument about why we would need to open this bill to proper public input because everyone knew on May 2 that this is what they promised, on May 2 this bill had never been drafted.

There are many ways to fulfil promises. We have learned that often enough have we not? They often make all kinds of promises like they were never going to tax income trusts. They fulfilled that in a certain way. More seriously, there are many ways to fulfil that particular promise, to put down the Canadian Wheat Board or, as the honourable senator would argue, to change the Canadian Wheat Board.

On May 2, none of those ways were specifically in writing, this piece of legislation was not specifically in writing and in fact — and in particular — this idea that the government would post this piece of legislation now get to appoint the members of the board and senior executive members certainly was not contemplated in any way, shape or form in public.

• (1530)

All of these people who, you say, voted for you to have this jammed down their throats did not know exactly what this bill meant. The fact is that we have committee hearings all the time on bills and there is a fundamental reason for that. Bills deserve and are required to have detailed input and consideration at critical stages in their evolution. No one who voted on May 2 knew what specifically would be in this bill. I wager that no one could have known, except maybe Senator Plett, the minister and perhaps some other officials. Certainly the voters in Western Canada could not have known, among many other things, that this bill would contain the government's determination and decision to reserve the right to appoint these board members.

This has huge implications. At one level, it has the implication to underline a profound hypocrisy. On the one hand, the government says that farmers should have the right to market their own wheat, to act independently and to do what they want to do. On the other hand, the government will not even give them the right to elect the directors of the board that will govern whatever is left of the Canadian Wheat Board after this proposed legislation is passed.

Therefore, it makes all kinds of sense that, subsequent to May 2, when the government says it was elected on this particular platform, these details should be open to public scrutiny in a proper way. Not only that, but given the profound impact that this could have on the majority of farmers who support it, one would think that this government, whose roots are in 1987 with the Reform Party and the need for democratic reform, in three months with a majority, would not have morphed into a government that would not want to listen to the very people whom it says it represents. This will have a profound impact. Maybe when some of the farmers who even supported this government see the bill and the detailed debate and discussion at committee — in particular the Senate committees because we generally do good work in that respect — they might suddenly view it differently and be grateful for the chance to have some input.

Do not tell us that everything stopped on May 2, that the decision was made, that everything was clear, that the vote was straight up and that people were voting for this government on the basis of that particular issue. Of course that was not the case, because there were many issues. It was not even clear that it was this issue, because this issue has been subsequently defined in profound ways.

There is another implication. Why is it, I ask rhetorically, that this government would want to control the Canadian Wheat Board that it will have mortally wounded anyway? Why is it that in the final analysis it wants to squeeze every last drop of life out of it by controlling its board of directors and its senior management? It is expropriation. We are talking about control over money. In the case of the Conservatives, it is odd. Just follow the money and it is amazing where you end up — often in record deficits. That is usually where you end up. Just follow the money for the F-35 jets and for prisons.

We are now talking about \$200 million in assets owned by the farmers. Is there any commitment in this bill that that money will be distributed to the farmers once you have finally killed the Canadian Wheat Board? Is there any requirement on the part of these people whom you will appoint to have fiduciary responsibility to ensure that the money goes back to the farmers who own that \$200 million in assets? Who will sell the building when it is defunct? Who will get that money? Will it go into the government coffers? Is that how it will be done? I would say no one knew that on May 2. If I were a farmer in southern Saskatchewan and even if I did vote for you on May 2 — and God knows I would not have, but even if I did — I would want to have a chance to have that assessed. We are talking about \$200 million. That is a lot of money. I believe that at the root of this and why it needs to be exposed publicly is the idea that you will control that board and that money. When it comes to paying people off and handing out severance packages so you can shut down the Canadian Wheat Board once and for all, squeezing the life right out of it, then you will have the farmers' money to do it. That is the ultimate slap in the face and, in some senses, the ultimate hypocrisy.

Why would it be too much to ask for two or three weeks of hearings in the West where those people live who will be affected by this bill, and not in Ottawa? You are the guys who used to argue about the dome in Ottawa and not speaking for Ottawa in the West, but speaking for the West in Ottawa. Why do we not go and let the West speak for the West in the West?

**Some Hon. Senators:** Hear, hear.

**Senator Plett:** Would the honourable senator entertain a question?

**Senator Mitchell:** Sure.

**Senator Plett:** Honourable senator, you said that the bill was not drafted on May 2, and you are absolutely right. The reason is that a couple of parties got together before May 2 and determined they wanted an election. One of my questions to you, honourable senator, is: Are you still happy that you made that choice? On May 2 people made a decision. That is my first question.



My second question is this. In Prince Albert, there is an organization called Federated Co-operatives. They decided to set up a large operation. Where did they choose to set up? They set up directly across the street from Walmart. Why? Because there are people in the town of Prince Albert who do not have the defeatist attitude that senators opposite have and they decided to go head-to-head with Walmart. People in Western Canada will not go bankrupt because of this. As my friend said, he would have made \$500,000 more.

My question to you, honourable senator, is: Are you still happy you made the decision? Do you believe that some people are a little bit defeatist?

My last question, honourable senator, is: Will you at least ask to be on the Standing Senate Committee on Agriculture and Forestry in order to come to pre-study so you can debate it there?

**Senator Mitchell:** Honourable senators, I am always happy about democratic events. I am very happy about that election, because it was a democratic event where people had the chance to vote. The difference between the honourable senator and me is that I actually accept that vote. Let us talk about democratic votes. Let us talk about plebiscites that were outlined and provided for in proposed legislation. He believes in not breaking the law, I think, although I have noticed the Prime Minister has broken a number of laws.

**Some Hon. Senators:** Shame, shame.

**Senator Mitchell:** Absolutely. Do honourable senators want me to list the laws that he has broken? Let us start with the fixed-terms law that they broke, or with the election dates law that they broke. Let us talk about the Elections Act that they broke and have admitted that they broke; but I do not want to do that because I respect our colleagues.

Let us talk about the fact that I accepted that election. I do not like its outcome necessarily, but I accept it. It was a democratic event and thank God we have them here. We have had democratic events in the debate over the Canadian Wheat Board. We have had democratic events called “plebiscites,” and you would not accept them. Even though you manipulated and skewed them and played with the voters’ list, you lost. However, you did not respect the result, not even enough to give these people the chance to have a say on what this piece of proposed legislation would be. You now admit that it was nowhere near draft stage on May 2, which was not done. Why should they not have a chance to look at the details in an open and democratic process so that just maybe, when the decision is made, everyone will know what is at stake — even you. On the basis of your testimony today and other testimony, we will come back and say: “We told you so. We absolutely told you so.”

**The Hon. the Speaker:** Are honourable senators ready for the question?

**Hon. Senators:** Question.

**The Hon. the Speaker:** It was moved by the Honourable Senator Peterson, seconded by the Honourable Senator Cordy, that this motion be not now adopted but that it be amended by adding:

“and that the Standing Senate Committee on Agriculture and Forestry will hold public hearings on the subject matter

of Bill C-18 in the provinces of Alberta, Saskatchewan and Manitoba between the date of the adoption of this motion and December 16, 2011.”

All those in favour of the motion will please say “yea.”

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** All those opposed to the motion will please say “nay.”

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion the “nays” have it.

*And two honourable senators having risen:*

**The Hon. the Speaker:** Call in the senators. Do the whips have advice for the house?

**Senator Munson:** Honourable senators, pursuant to the *Rules of the Senate*, we wish to have the vote deferred until 5:30 p.m. tomorrow.

**The Hon. the Speaker:** Honourable senators, the vote will be at 5:30 p.m. tomorrow.

• (1540)

## LIBYA

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Carignan calling the attention of the Senate to the deplorable use of violence by the Libyan regime against the Libyan people as well as the actions the Canadian Government is undertaking alongside our allies, partners and the United Nations, in order to promote and support United Nations Security Council Resolution 1973.

**Hon. Nicole Eaton:** Honourable senators, I am honoured to speak to Senator Carignan’s inquiry calling the attention of the Senate to the deplorable use of violence by the Libyan regime against the Libyan people.

The last 12 months have seen uprisings, demonstrations and revolts in the Middle East. The start of what is today known as the Arab Spring began on Saturday, December 18, 2010, in Tunisia, followed by Egypt and, most recently, Libya.

In all three cases, the civil uprisings resulted in the fall of three governments. At the same time, waves of unrest and dissatisfaction struck Algeria, Jordan, Yemen and Syria.

The leaders of each of these countries were introduced to a new reality: that modern communication technology is making it more and more difficult for the state to control and manipulate the information and messages that flow to citizens.



Bloody revolutions have occurred throughout history and have successfully usurped those in power long before the advent of the Internet. To refer to the Arab Spring uprisings as “Twitter revolutions” is an overstatement. At the same time, we must not underestimate the role of social media tools like Facebook and Twitter and the important changes that they have brought. I was somewhat amused to read that Facebook and Twitter were touted for the Nobel Peace Prize.

Previous generations living in a dictatorship could be easily segregated from the world. Information could easily be stopped at the border. Even with radio and telephone signals could be blocked. State-run news agencies could feed their population propaganda while choking off news from the outside world. Real news had to be smuggled in like an illegal narcotic.

Today, with the access and use of the Internet by general populations, despotic rulers can no longer control the flow of information into their country, nor information out.

This new, two-way flow of information undoubtedly emboldened the demonstrators and fuelled the uprisings. People became aware of the success of their neighbours in overthrowing repressive regimes. They had already known of the many freedoms enjoyed in much of the rest of the world. Democracy and the freedom to protest, to vote — things we take for granted in the First World — became a rallying cry.

Tunisia’s president Zine El Abidine Ben Ali, Egypt’s president Hosni Mubarak and dictator Moammar Gadhafi found themselves in an information war that they were destined to lose.

Unlike their parents and grandparents, this generation of Arabs could not only receive nearly unfiltered news from the outside world, but could instantaneously communicate with people worldwide. Facebook and Twitter allowed people to inspire and encourage each other with a rapidity that was not previously available.

It was Tuesday, February 15, when the catalytic moment in the Libyan revolution occurred. In a move which triggered hundreds to protest, human rights activist Fethi Tarbel was arrested. Government forces clashed with the protesters, firing rubber bullets and water cannons. Independent media did not exist in Libya, but the outside world caught glimpses through videos filmed by smart phones and posted to the Internet. Images of crowds carrying signs and chanting slogans that decried government corruption spread across the Internet, allowing people around the world to witness what was occurring in Libya and lend their moral support.

Videos from the first day of protest featured images of people running away from gunfire. Especially horrifying was the image of a young man, his clothing soaked in blood, being carried away by protesters. This one image, no doubt, did more to fuel the rebellion within the Libyan population than any other. Stories could always be shared in hushed tones or in private conversations with trusted friends about atrocities committed by the ruling regime, but here was blatant evidence that could be communicated between people almost in real time.

Leaks of this first incident occurred quickly. A security official said that on the first day 14 people were injured, including 10 police officers. Tarbel was released, but by then it was too late for the Libyan regime.

Protesters and their supporters took to Twitter and Facebook, calling for the following Thursday to be a day of mass protest. Meanwhile, the official state media only reported pro-Gadhafi rallies in Tripoli, Benghazi and other cities. Of course, no mention was made of the nascent uprising. The propaganda from Gadhafi news media quoted demonstrators as saying things like “defend the leader and the revolution” and accusing anti-government protesters of being cowards and traitors.

Control over information became hugely important to the survival of Gadhafi’s regime, but it soon became a losing battle. At the same time as state-controlled media was broadcasting patriotic songs, poetry and images of pro-Gadhafi rallies, international media such as Al Jazeera was broadcasting a different story. Their story was one of a struggle of the people, aiming to overcome a 42-year-old dictatorship. Images of protest flooded the screens. Libyan people learned of the groundswell of support for the revolution even before it reached the streets in their towns, cities and villages.

While Gadhafi rivals were inundating the Internet with images of protest, such as shoes being thrown at a giant television screen broadcasting his image, he made a plea to his supporters:

For the dear brothers whose hobby is photography and video taping, please put up videos online that show the massive support for our beloved leader.

Gadhafi’s allies had one sports channel flooded with praise for Gadhafi’s achievements and crowds of patriots waving flags. Another music channel broadcast songs in support of Colonel Gadhafi, praising him as the “Father of the Nation.” Great eulogies of Gadhafi’s accomplishments for the nation were broadcast in an attempt to placate the rioters and reinforce his support. Text messages were sent from Gadhafi’s regime warning the population that live ammunition was to be used on protesters. Accompanying these threats were offers to increase government workers’ wages by 150 per cent.

This battle over the narrative was intense and futile for the old regime. Gadhafi had overdone his propaganda. The people were sick of the same stories, and they felt that what they heard, saw and read through official media channels was meaningless. Gadhafi loyalists attempted to portray the protesters as foreigners, mercenaries and, even worse, Zionists. None of this had the desired effect, and likely helped to sway those on the fence to take up arms and join the revolution.

As early as February 18, Internet access in Libya was blocked; a mere three days after the protests began in earnest. The pro-government forces, having seen the effects of social media in other countries, acted quickly to test their ability to shut down access from within the country.

The technology used to do so was different than that in Egypt, where Internet service providers were simply asked to shut down. In Libya the traffic was choked. In essence, the roads were still there, the highways for information were still there, but they were entirely empty.

In Canada, when Internet users exceed their bandwidth usage for the month, their service is either slowed or they are charged a fee for the extra data usage.



• (1550)

This same method was employed in Libya to throttle Internet service to zero. Internet access was restored briefly, then vanished, only to be restored intermittently over the following months.

Throughout the battle, whenever Internet access was available, a flurry of activity occurred. YouTube was integral to the Libyan people getting their message out to the world.

Armed with smartphones, Libyan youth turned into an army of independent information sharers able to distribute their perspectives to each other and to the world at the push of a button. Where previously television crews would risk their lives to wade into violent protests, now the protesters themselves release some of the best video available, forever changing the way the world gets its news. World news agencies themselves have come to rely on the video released by eyewitnesses, rebroadcasting images that have previously been released through the video-sharing sites.

Not only has social media changed the way that we share and interact with news and world events, but it may also have truly changed the face of warfare. Air campaigns without boots on the ground to verify targets are notoriously difficult to execute successfully. Satellite intelligence can only go so far in properly identifying vehicles or the inhabitants of certain buildings.

Armies have traditionally relied on target acquisition teams on the ground to radio information that can be used by central command to determine the best bombing targets, with the highest value targets and the least chance of collateral damage. In the Libyan conflict, we have seen Facebook and Twitter turn into a type of crowd-source for target acquisition.

The entire world has been able to monitor the information trickling out of Libya, and when relevant information became available, YouTube video, Facebook posts and other social media sources were all pieced together as clues to be verified, assisting in locating targets.

It will always be experts who make these decisions, but with the assistance of hundreds or even thousands of civilians with an idea of what to look for, experts can be given more focused, more relevant information to sift through. In this way, Twitter warriors were able to have an actual impact on the outcome of the revolution.

This is a new global reality. Oppressive regimes will find it harder and harder to control information. We live in an age that has left the telephone and fax machine in the dust. Images, video, complex data sets are all things that can now be transmitted at an unprecedented speed.

Organizing people by reaching them in their homes, or even while they walk down the street, is easier than ever, and it is likely to become only easier. As our personal information networks grow, so does the physical infrastructure necessary to transmit information.

It is possible to give too much credit to social media. However, to deny it any credit would be folly. Protests can spread without social media. Targets can be acquired without intelligence tips

from Twitter. What we may well see now, however, is a difference in the pace of change. Mass communication is now in the hands of the people.

The success of the Libyan people in casting out the old regime is a lesson to all undemocratic rulers. The old days of controlled information, of oppressed opposition and of tightly scripted narratives are over.

Social media is a tool that allows people to connect, instantly, across all physical borders and barriers. Traditional methods of battling for hearts and minds can no longer succeed. People can now express their thoughts, beliefs, and opinions without having access to airtime on a TV or radio station. Lies spread about the size or scope of protests cannot be sustained when, at the same time, images of the truth are being broadcast by independent sources.

Today, the Libyan people are faced with a new challenge, that of establishing a constitution and a truly representative government. If they display the same collaborative effort and determination as they have since the beginning of this battle, I am sure of their success.

(On motion of Senator Carignan, debate adjourned.)

## NATIONAL DEFENCE ACT

### BILL TO AMEND—FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-16, An Act to amend the National Defence Act (military judges).

(Bill read first time.)

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

(On motion of Senator Carignan, bill placed on the Orders of the Day for second reading two days hence.)

[Translation]

## BUSINESS OF THE SENATE

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, given that we have finished with Government Business and we have approximately five minutes before adjournment, to avoid having Senator Frum's speech on Bill S-203 interrupted, I move that the Senate do now adjourn.

**The Hon. the Speaker:** It is moved by the Honourable Senator Carignan, seconded by the Honourable Senator Rivard, that the Senate do now adjourn. Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(The Senate adjourned until Thursday, November 17, 2011, at 1:30 p.m.)



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